

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
LUIS P TAIPE, *et al.*, :
Plaintiffs, :
: **ORDER**
-against- : 12-CV-4479 (JMA)
:
MC&O CONTRACTING, INC., *et al.*, :
:
Defendants. :
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AZRACK, United States District Judge:

The parties in this wage-and-hour suit have reached a class-wide settlement. Pursuant to the parties' Settlement Agreement, ECF No. 91, they have asked the Court to: (1) grant preliminary approval of the Settlement Agreement; (2) certify a settlement class under Federal Rule of Civil Procedure 23; (3) appoint David Harrison and his firm as class counsel; (4) approve the proposed notice and claim form; and (5) and certify a collective action under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b).

The parties' requests are granted. Based on the papers filed on the docket and the numerous court conferences in this case, the Court hereby:

1. grants preliminary approval of the Settlement Agreement, finding that the Settlement Agreement is within the range of possible settlement approval, such that notice to the class is appropriate, see In re Traffic Exec. Ass'n, 627 F.2d 631, 634 (2d Cir. 1980);

2. certifies, for purposes of settlement only, the following class under Rule 23:

Any bricklayer or laborer employed by any of the Defendants on or after September 7, 2006 through March 26, 2014, as set forth in Exhibit "A" to the Settlement Agreement.

3. finds, for purposes of settlement only, that the numerosity, commonality,

typicality, and adequacy requirements of Rule 23(a) have been met and that the predominance and superiority requirements of Rule 23(b)(3) have been met, see In re Am. Int'l Group, Inc. Securities Litig., 689 F.3d 229, 240–243 (2d Cir. 2012);

4. finds that plaintiffs' counsel, David Harrison, of the firm Harrison, Harrison & Associates, satisfies Rule 23(a)(4) and Rule 23(g), and appoints Mr. Harrison and his firm as Class Counsel;

5. designates Fabian Maurad as the Class Representative;

6. finds that the Notice, ECF No. 91, and the Proof of Claim Form, ECF No. 91 (collectively, the “Notice”) comply with due process and Rule 23(c)(2)(B), approves the Notice, and directs distribution of the Notice, in both English and Spanish (as specified in the Settlement Agreement) to the class;

7. certifies, for purposes of settlement only, a collective action under the FLSA, consisting of any bricklayer or laborer employed by any of the Defendants on or after September 7, 2006 through March 26, 2014, as set forth in Exhibit “A” to the Settlement Agreement, and approves the Notice for purposes of the collective action;

8. approves and adopts the settlement procedures and deadlines set out in the Settlement Agreement;

9. schedules a fairness hearing for October 9, 2015 at 11:00 AM at the United States District Court for the Eastern District of New York, Courtroom 6E, 225 Cadman Plaza East, Brooklyn, New York 11201; and

10. directs the parties to file a motion for final approval at least one week prior to the date of the fairness hearing.

SO ORDERED.

Dated: June 18, 2015
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE